

BOISE, WEDNESDAY, DECEMBER 3, 2008 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 35369
)	
DAVID D. PURDUM,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Sixth Judicial District of State of Idaho,
Oneida County. Hon. Don L. Harding, District Judge.

Molly J. Huskey, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

Appellant David Purdum was charged with possession of a controlled substance under I.C. § 37-2732(c)(1), to which he entered a conditional guilty plea, preserving his right to appeal the district court's denial of his motion to suppress. The Idaho Court of Appeals affirmed the district court's denial of Purdum's motion to suppress, holding that Purdum's reduced expectation of privacy as a probationer who had submitted to "random blood, breath and/or urine analysis upon the request of...any law enforcement official," permitted the police officer to conduct a suspicionless search.

Purdum asserts that his rights under the Fourth Amendment to the United States Constitution were violated when he was improperly seized without reasonable suspicion and, therefore, the evidence derived from his seizure must be suppressed.

BOISE, WEDNESDAY, DECEMBER 3, 2008 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**IN THE INTEREST OF JOHN DOE,)
FORMERLY UNDER 18 YEARS OF AGE.)**

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STATE OF IDAHO,)

Plaintiff-Respondent,)

Docket No. 34674

v.)

JOHN DOE,)

Defendant-Appellant.)

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Alan E. Trimming, Ada County Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

This appeal arises from an order by a juvenile court denying Doe's motion to dismiss. The juvenile court originally placed Doe on probation as a juvenile until his twenty-first birthday. On October 13, 2006, while Doe was twenty years of age, the State filed a petition with the juvenile court alleging that Doe violated the terms of his probation. Doe turned twenty-one years of age on November 4, 2006. On January 19, 2007, Doe moved the juvenile court to dismiss the petition and argued that the juvenile court lacked jurisdiction over his case because he was twenty-one years of age. The juvenile court denied Doe's motion to dismiss on the basis that the juvenile court retained jurisdiction over the petition because the State filed its petition prior to Doe's twenty-first birthday. Doe appealed to the district court, which affirmed the decision of the juvenile court.

On appeal before the Idaho Supreme Court, Doe argues that I.C. § 20-507 terminated the jurisdiction of the juvenile court once he turned twenty-one years of age. The State argues that the juvenile court retained jurisdiction over the petition because the State filed the petition prior to Doe's twenty-first birthday.

BOISE, WEDNESDAY, DECEMBER 3, 2008 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

FREDERICK J. ANDERSON,

Petitioner-Appellant,

v.

STATE OF IDAHO,

Respondent.

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Docket No. 35078

Appeal from the District Court of the Sixth Judicial District of the State of Idaho,
Bannock County. Hon. Peter D. McDermott, District Judge.

Molly J. Huskey, State Appellate Public Defender, Boise, for Appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for Respondent.

Frederick J. Anderson (Anderson) was charged with first degree murder by aggravated battery and with being a persistent violator. Pursuant to a plea agreement, Anderson pled guilty to an amended charge of voluntary manslaughter and the state dismissed the persistent violator enhancement. The district court imposed a unified sentence of fifteen years with seven years fixed. The Idaho Court of Appeals affirmed Anderson's sentence on direct appeal. Anderson subsequently began a civil action against the State by filing a *pro se* petition for post conviction relief, asserting multiple claims of ineffective assistance of counsel. After a hearing in which Anderson was assisted by counsel, the district court granted the state's motion for summary disposition concluding there was insufficient evidence to support Anderson's claims. Anderson appealed the dismissal.

The Idaho Court of Appeals, who initially heard the appeal, affirmed in part, reversed in part, and remanded the case to the district court. The Court affirmed the summary dismissal of Anderson's ineffective assistance of counsel claim relating to trial counsel's failure to challenge a persistent violator enhancement. However, the Court reversed the dismissal of Anderson's claims that counsel was ineffective for failing to address the interrogation procedures, failing to investigate Anderson's version of events and telling him that he had no defense. Specifically, the Court of Appeals held that Anderson had not received adequate notice of the reasons for dismissal of these three claims; that Anderson could challenge the adequacy of the State's motion for the first time on appeal; and that the error in the inadequacy of the State's motion was not harmless.

The Idaho Supreme Court granted the State's petition for review. Shortly thereafter, counsel for Anderson filed a Motion to Dismiss and a Notice of Voluntary Dismissal, indicating Anderson wished to dismiss the appeal and accept the district court's order of summary

dismissal. The Supreme Court initially granted Anderson's motion and issued a Remittitur ordering dismissal of the appeal. The State subsequently filed a Motion to Vacate Remittitur which was granted by the Supreme Court, and the case proceeded on appeal.

The State argues that the Court of Appeal's conclusion that the State's motion for summary dismissal failed to provide Anderson with adequate notice is contrary to Idaho Supreme Court precedent and the rules governing motions for summary dismissal in post-conviction proceedings. In addition, the State maintains that Anderson failed to present a prima facie case of ineffective assistance of counsel in relation to trial counsel's alleged failure to challenge the viability of the persistent violator enhancement. Finally, the State contends the Supreme Court has never required a party to state what evidence it believes would defeat its motion in order to meet the particularity requirements under the civil rules.

Anderson argues there is no case or controversy before this Court because the parties are requesting the same relief: dismissal of Anderson's petition for post-conviction relief. Anderson maintains that because his motion to dismiss was timely made before oral argument on review, this case should have been dismissed in May 2008.